

ESTTA Tracking number: **ESTTA193459**

Filing date: **02/19/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92048819
Party	Plaintiff Fitness Quest Inc.
Correspondence Address	Heather M. Barnes Brouse McDowell 388 South Main Street, Suite 500 Akron, OH 44311-4407 UNITED STATES iplaw@brouse.com, cnutter@brouse.com, hbarnes@brouse.com
Submission	Other Motions/Papers
Filer's Name	Heather M. Barnes
Filer's e-mail	iplaw@brouse.com, cnutter@brouse.com, hbarnes@brouse.com
Signature	/Heather M. Barnes/
Date	02/19/2008
Attachments	080219 Proof of Service.pdf ( 4 pages )(67114 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Fitness Quest Inc.	)	CANCELLATION NO.: 92048819
	)	
Petitioner,	)	REGISTRATION NO.: 3,339,975
	)	
v.	)	MARK: ROC-ABS
	)	
Hoist Fitness Systems, Inc.	)	<b><u>PROOF OF SERVICE</u></b>
	)	
Registrant.	)	
	)	

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Petitioner is in receipt of TTAB's Notice of Trial Dates, dated February 1, 2008. In that Notice, it was pointed out that Petitioner served Registrant's attorney rather than the Registrant. Petitioner states that on that date, a copy of the Notice of Cancellation was sent to Registrant via FedEx, as shown in Exhibit A. As such, proof of service has been made.

/Heather M. Barnes/  
Heather M. Barnes  
Brouse McDowell  
388 S. Main St., Ste. 500  
Akron, Ohio 44311  
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Email: [hbarnes@brouse.com](mailto:hbarnes@brouse.com)

*Attorney for Petitioner, Fitness Quest Inc.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing PROOF OF SERVICE was served via first-class mail this 19<sup>th</sup> day of February 2008, addressed as follows:

Hoist Fitness Systems, Inc.  
9990 Empire Street, Suite 130  
San Diego, CA 92126

Kathleen A. Pasulka  
Procopio Cory Hargreaves & Savitch LLP  
530 B Street, 21st Floor  
San Diego, CA 92101

/Heather M. Barnes/  
Heather M. Barnes

## **EXHIBIT A**



FedEx Express  
Customer Support Trace  
3875 Airways Boulevard  
Module H, 4th Floor  
Memphis, TN 38116

U.S. Mail: PO Box 727  
Memphis, TN 38194-4643  
Telephone: 901-369-3600

February 13, 2008

Dear Customer:

The following is the proof-of-delivery for tracking number **799267960581**.

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**Delivery Information:**

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<b>Status:</b>	Delivered	<b>Delivery location:</b>	9990 EMPIRE ST SAN DIEGO, CA 921264233
<b>Signed for by:</b>	R.LOPEZ	<b>Delivery date:</b>	Feb 7, 2008 10:18
<b>Service type:</b>	Standard Envelope		

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**Shipping Information:**

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<b>Tracking number:</b>	799267960581	<b>Ship date:</b>	Feb 6, 2008
		<b>Weight:</b>	0.5 lbs.

**Recipient:**  
Hoist Fitness Systems, Inc.  
9990 EMPIRE ST STE 130  
SAN DIEGO, CA 921264233 US

**Shipper:**  
Connie Nutter  
Brouse McDowell  
388 South Main Street  
Suite 500  
Akron, OH 44311 US  
31419

**Reference**

Thank you for choosing FedEx Express.

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